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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/638,779	08/15/2000	Ralph D. Leisle	16705-4906	1257

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EXAMINER

SHIH, SALLY

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 05/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/638,779

Applicant(s)

LEISLE, RALPH D.

Examiner

Sally Shih

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is response to Applicant's amendment filed on December 18, 2003 and supplemental amendment filed on January 14, 2004. The rejections are as stated below:

Status of Claims

2. Of the original claims 1-27, claims 1, 8, 16, 21, 23 and 26 have been amended. Accordingly, claims 1-23 are under prosecution in this application.

Summary of this Office Action

3. Applicant's arguments filed on December 18, 2003 have been fully considered, and discussed in the next section below or within the following rejection are not deemed to be persuasive. Therefore, claims 1-27 are rejected as being unpatentable over the art cited below, and Applicant's request for allowance is respectfully denied.

Response to Applicant's Arguments

4. Applicant's arguments filed on December 18, 2003 have been fully considered but they are not persuasive. Applicant's traversals are discussed under 35 USC § 102 (e).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-6 are rejected under 35 U.S.C. 102 (e) as being anticipated by Moran, U.S. Patent No. 6,430,542 B1 as discussed from the last paragraph of page 2 of paper number 7.

The applicant argued that Morgan's patent pertains to the analysis and distribution of estate upon death. Although estate planning and distribution are disclosed as some of the features of Morgan, Morgan discloses features that enable an individual to plan for short and long term goals (see at least fig. 16 and associated text).

For amended claims 1, 8, 16, 21, 23 and 26, the applicant added the terms "long-term care" to modify the type of insurance. However, this modification does not overcome the rejection because Morgan allows an individual to tailor the type of expenses and specific goals to meet one's particular needs whether it's short term or long term care (see at least figs. 16-19 and associated text).

For claim 1, the applicant argued that the Morgan reference does not specifically mention calculation of taxes. The applicant did concede the fact that Morgan discloses contributing

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factors that include federal and state taxes. To the contrary, calculation was performed in order to arrive at a "net worth" (see at least fig. 35 and associated text). The factors that include federal and state taxes were contributing factors as conceded by the applicant in the process of arriving at a net worth.

For claims 2-7, the applicant argued that these claims are dependent on claim 1 and thus should be allowed. Additionally, the applicant also argued change of circumstances in cost. Please see response above incorporated herein.

For claims 8-15, the applicant made essentially the same argument as claims 1-7. Please see response above incorporated herein.

For claim 16, the applicant argued that Morgan "failed to suggest the sale of any assets to pay for long term care cost". Morgan specifically teaches the removal of assets to meet expenses or goal (see at least fig. 21 and associated text). Morgan allows an individual to tailor one's goals with features that include assets, liabilities, expenses and policies.

For claims 17-20, the applicant argued that they are dependent on claim 16 and thus should be allowed. Please see argument above incorporated herein.

For claim 21, the applicant made essentially the same argument as 16. Please see response above incorporated herein.

For claim 22, the applicant argued that it is a dependent claim of 21 and thus should be allowed. Please see argument above incorporated herein.

For claim 23, the applicant essentially made the same argument as claim 8. Please see response above incorporated herein.

For claims 24 and 25, the applicant argued that they are dependent on claim 23 and thus should be allowed. Please see argument above incorporated herein.

For claim 26, the applicant essentially made the same argument as claim 16. Please see response above incorporated herein.

For claim 27, the applicant argued that it is dependent on claim 26 and thus should be allowed. Please see argument above incorporated herein.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sally Shih whose telephone number is 703-305-8550. The examiner can normally be reached on Flexible.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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